

should be unquestioned, but all broadcasters have a responsibility for the public effects of the powerful and pervasive influence which they exercise.

Much of the controversy about public control of broadcasting seems to arise from a failure to distinguish clearly between two quite separate elements—the physical structure of the system and the actual programs broadcast—which can and should be differently treated. It is almost universally recognized that the regulation of programming must be entirely and demonstrably free from improper influences and pressures, and can therefore best be delegated to an independently constituted authority which is not subject to any form of direction in that regard. But, since the coverage of the national broadcasting service must be provided by the public element, which is dependent on funds voted by Parliament, the physical structure of the system as a whole is a matter for the Government, which is responsible to Parliament, to decide.

Fears of hidden influences on program content have tended to obscure this legitimate right to direct the structure of the broadcasting system. These fears can best be dispelled by providing statutory machinery which distinguishes clearly between the total delegation of authority over programming on the one hand, and ultimate authority over the structure of the system on the other.

In the new legislation, Parliament will therefore be asked to authorize the Governor in Council to give formal directions to the regulatory authority, dealing with the structure of the system, which may then be put into effect after suitable public discussion. Matters affecting programming will not be subject to such directions, the scope of which is more fully described below.

The Committee concurs with the general principles stated in the White Paper. We urge, however, a clear legislative declaration of the pre-eminence of the public sector. We agree that, although the CBC's responsibility is paramount, all broadcasters share a duty to serve the public interest and must share it more equitably and effectively. We earnestly hope that the proposed "total delegation of authority over programming" will end Parliament's frequent involvement with broadcasting matters.

\* \* \* \*

#### 4. The Regulatory Authority

(White Paper)

The Canadian broadcasting system, comprising public and private sectors, must be regarded as a single system which should be regulated and controlled by a single independent authority. It is therefore proposed that the powers and authority of the Board of Broadcast Governors, which require extension and clarification, shall be applicable to all broadcasters alike, and that the Board itself shall be reconstituted. The Government does not concur in the recommendation of the Advisory Committee that the regulatory authority should be responsible for the management of the Canadian Broadcasting Corporation. However, the legislation will make it clear that the Corporation will be subject to the regulatory powers of the Board of Broadcast Governors in all matters affecting general broadcasting policy in Canada.

The Board of Broadcast Governors will have full power to issue broadcasting licences, subject only to technical evaluation and certification by the Department of Transport and to any formal direction that may have been issued under the new Act relating to the structure of the system. Licences will be issued on the authority of the Board itself, without reference, as at present, to the Governor in Council, but provision will be made for formal appeals to be made to the Governor in Council against the decisions of the Board in the exercise of this power. The necessary amendments to the Radio Act will be submitted to Parliament simultaneously with the new broadcasting legislation.

The Board will also have full power to regulate the constitution of and conditions of affiliation to all television and radio networks, both public and private.

The Board will be required to undertake, in collaboration with the Canadian Broadcasting Corporation, objective research into all matters bearing upon broadcasting in Canada. The need to keep abreast of the pace of technological change is quite apparent. It is also generally agreed that far too little is known about the specific effects on the public of new forms of communication, or about the views held by Canadians as to the objectives of public broadcasting.

The Board will be asked to consider the feasibility and desirability of setting up regional broadcasting councils to advise upon representations made by the general public with regard to programming.

The extended powers and responsibilities of the Board will, in the opinion of the Government, require the attention of more full-time members than at present,